



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,878	08/19/2002	Ana Maria Riverón Rojas	LEXSA P-27	2917
28752	7590	08/24/2005	EXAMINER	
LACKENBACH SIEGEL, LLP LACKENBACH SIEGEL BUILDING 1 CHASE ROAD SCARSDALE, NY 10583			BARTON, JEFFREY THOMAS	
		ART UNIT	PAPER NUMBER	
		1753		

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

10

Office Action Summary	Application No.	Applicant(s)
	10/070,878	RIVERÓN ROJAS ET AL.
Examiner	Art Unit	
Jeffrey T. Barton	1753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 22 June 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 45-85 is/are pending in the application.

4a) Of the above claim(s) 85 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 45-84 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20020819.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

New Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 45-84, drawn to CHEF or TAFE chambers with accessory sets.

Group II, claim 85, drawn to pulsed-field electrophoresis chambers.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the accessory sets required in group I are not required in group II. (See section vi. of claim 45)

3. During a telephone conversation with Marvin Feldman on 17 August 2005 a provisional election was made without traverse to prosecute the invention of Group I, claims 45-84. Affirmation of this election must be made by applicant in replying to this Office action. Claim 85 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Previous Election/Restrictions

5. Applicant's election without traverse of Group I, directed to electrophoresis chambers and methods for their use, in the reply filed on 22 June 2005 is acknowledged.

Claim Objections

6. Claims 66, and 78-80 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. These claims provide only method steps for the intended use of the device of claim 45, and add no further structural limitations to the claimed electrophoresis chambers.

The Examiner respectfully suggests that each of these claims be rewritten as a method claim. Additionally, claims 66, 78, and 79 are currently dependent on claim 45, although they recite limitations with no antecedent basis in claim 45. (e.g. "the grub screw" in claim 66 or "the grooved block" in claim 78) Claims 66, 78, and 79 appear to have been intended to be dependent on claims 65, 77, and 73, respectively.

7. Claims 45, 53, 73-76, and 79 are objected to because of the following informalities:

- a. In claim 45 at lines 7 and 8, there is no antecedent basis for "the zones" and "the lines".
- b. In claim 45 at line 12, "separation 'd,'" is recited, although it seems to be superfluous.
- c. In claim 45 at line 29, "the first set is" is recited, although "the first set being" would be clearer.
- d. In claim 45 at line 30, "the buffer is circulate" is recited, although "the buffer is circulated" was intended.
- e. In claim 45 at lines 31 and 34, "the second one comprises" and "the third one comprises" are recited, although "the second set comprising" and "the third set comprising" would be clearer.
- f. In claim 45 at line 31, "disassemble" is recited, although "disassemblable" was intended.
- g. In claim 45 at line 33, "cross" is recited, although "cross-sectional" was apparently intended.
- h. In claim 53 at line 4, "whereas" is recited, although it appears "wherein" was intended.
- i. In claim 73, at line 2, "disassemble" is recited, although it appears "disassemblable" was intended.
- j. In claim 73 at line 4, "identical thickness each one" is awkward.

k. In claims 73, 76, and 79, "cover 1" and "cover 2" should be rewritten as "first cover" and "second cover", to avoid confusion over reference numbers in the figures.

l. Claims 74-76 are currently dependent on claim 45, though there is no antecedent basis in claim 45 for numerous limitations of these claims. It appears they were intended to be dependent on claim 73.

Appropriate correction is required.

Applicant's assistance in correcting any other informalities in the specification and claims, which may have been inadvertently overlooked, is respectfully requested.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 45-84 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 45 is unclear because both TAFE and CHEF chambers are simultaneously claimed, with certain claim limitations appearing to apply to only one type of chamber, or to apply differently to the two different chamber types. For instance, section iii of claim 45 discusses blocks used to occlude non-useful electrophoresis zones, but the specification only provides support for this in the TAFE embodiment. Section iv of the

claim provides different limitations for CHEF and TAFE chambers, and section v appears to be directed only to the TAFE chambers. The claim should be amended such that it is directed to a single concept, and not to two completely distinct embodiments, with certain limitations applying to one and not the other.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Jeffrey Barton, whose telephone number is (571) 272-1307. The examiner can normally be reached Monday-Friday from 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen, can be reached at (571) 272-1342. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

JTB
18 August 2005



NAM NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700